

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 01 2004

APPLICANT: COX, ET AL  
SERIAL NO.: 09/579,746  
FILED: 05/26/2000  
TITLED: METHOD AND APPARATUS FOR PROCESSING A COMMUNICATION SIGNAL  
BASED ON THE GEOGRAPHICAL LOCATION OF A COMMUNICATION DEVICE

EXAMINER: LE, DANH C.  
GROUP: 2683  
CASE NO.: CM03931H

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JUN 07 2004  
OFFICE OF PETITIONS

OFFICIAL

Motorola, Inc.  
Law Department  
1303 E. Algonquin Rd.  
Schaumburg, IL 60196  
June 1, 2004

PETITION FOR WITHDRAWAL OF ABANDONMENT

<p>Certificate of Mailing Date of deposit: 6/1/04 I hereby certify that this paper is being transmitted by facsimile to the Commissioner of Patents and Trademarks P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>Signature of Person Mailing Paper</p> <p><i>Nanette Orr</i> Nanette Orr Printed Name of Person Mailing Paper <i>Nanette Orr</i> 6/1/2004 Signature</p>
--

*Petition  
W/A Abandonment  
6-17-04*

Mail Stop Petitions  
Commissioner for Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. The Applicants petition that the abandonment set forth in the notice mailed by the Office on April 29, 2004, be withdrawn. Applicant did not receive the Notice of Allowance from the Patent Office prior to the abandonment of the application and thus was unable to pay the Issue Fee in a timely manner.
2. The Applicants further petition that a new Notice of Allowance be issued including a restart to the 3 month period for reply.
3. The chronology of events surrounding the above referenced application are as follows:
  - a) The application was filed on May 26, 2000.

b) On October 3, 2003, a response to USPTO's July 10, 2003 non-final Office Action was sent to the USPTO by facsimile (see attached copy of USPTO confirmation).

c) No correspondence was thereafter received from the USPTO concerning this application until receipt of the Notice of Abandonment dated 04/29/2004.

d) I, Jeffrey K. Jacobs, confirm that the Notice of Allowance communication was not received by me or our office prior to the issuance of the Notice of Abandonment. I attest to the fact that a search of the file jacket and docket records indicates that the Office communication was not received prior to the Notice of Abandonment. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed is attached herein.

3. Submitted herewith is:

a) a copy of our docket report concerning application no. 09/579,746, showing that we did not receive the Notice of Allowance prior to the notice of abandonment.

b) a statement from Penny Tornko, Motorola docket clerk, stating that we did not receive the Notice of Allowance.

4. Authorization is hereby given to charge any fees, or credit overpayment necessitated by actions taken herein to Deposit Account 50-2117.

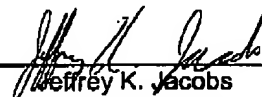
Respectfully Submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department

Customer Number: 22917

By:



Jeffrey K. Jacobs

Attorney of Record

Reg. No.: 44,798

Telephone: 847/576-5562

Fax No.: 847/576-3750

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Jun-01-04 02:11pm From-MOTOROLA

JUN 07 2004

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T-726 P.004/007 F-322

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COMMUNICATION DEVICE

STATE OF ILLINOIS )  
SS:  
COUNTY OF COOK )

AFFIDAVIT IN SUPPORT OF PETITION UNDER 37 CFR 1.181(a)

I, Penny Tomko do hereby state that I did not receive the Notice of Allowance from the United States Patent and Trademark Office for patent application number 09/579,746. I do understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 USC 1001) and may jeopardize the validity of the application or any patent issuing thereon. Additionally, all statements made above are based on my own knowledge and are true, and all statements that are made on information and belief are believed to be true.

Penny Tomko  
Penny Tomko

June 1, 2004  
Date

SWORN TO and subscribed before me this 1st day of June, 2004.

Nanette B. Orr  
(Signature of Notary Public, State of Illinois)

My commission expires: 01/17/2007

Nanette B. Orr  
(Print, type, or stamp commissioned name of Notary Public)

☒ Penny Tomko is personally known to me



<b>FEE TRANSMITTAL for FY 2004</b>		<b>Complete if Known</b>	
Patent fees are subject to annual revision		Application No.	09/579,746
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	05/26/2000
<b>TOTAL AMOUNT OF PAYMENT (\$)</b>		First Named Inventor	COX ET AL.
		Examiner Name	LE, DANH C.
		Group Art Unit	2683
		Attorney Docket No.	CM03931H

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)																																																																																																																																																																																																																																																																																																																																																						
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <span style="border: 1px solid black; padding: 2px;">50-2117</span> Deposit Account Name: <span style="border: 1px solid black; padding: 2px;">Motorola, Inc.</span> The Commissioner is hereby authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayment <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application, except for issue fee <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	<b>3. ADDITIONAL FEES</b> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within 1st month</td><td></td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>200</td><td>Extension for reply within 2nd month</td><td></td></tr> <tr><td>1253</td><td>630</td><td>2253</td><td>460</td><td>Extension for reply within 3rd month</td><td></td></tr> <tr><td>1254</td><td>1450</td><td>2254</td><td>720</td><td>Extension for reply within 4th month</td><td></td></tr> <tr><td>1255</td><td>1370</td><td>2255</td><td>680</td><td>Extension for reply within 5th month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1504</td><td></td><td>1504</td><td></td><td>Publication fee for early, voluntary, or normal publication</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1505</td><td>300</td><td>1505</td><td>300</td><td>Publication fee for republication</td><td></td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1300</td><td>2453</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1300</td><td>2501</td><td>640</td><td>Utility issue fee (for reissue)</td><td></td></tr> <tr><td>1502</td><td>475</td><td>2502</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>830</td><td>2503</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>50</td><td>Petition to the Commissioner</td><td>130</td></tr> <tr><td>1800</td><td>130</td><td>1800</td><td>130</td><td>Processing fee CFR 1.17(f)</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee for provisional apps.</td><td></td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180</td><td>Submission of IDS</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times # of properties)</td><td></td></tr> <tr><td>1809</td><td>750</td><td>2809</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(e))</td><td></td></tr> <tr><td>1810</td><td>750</td><td>2810</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(h))</td><td></td></tr> <tr><td>1801</td><td>750</td><td>2801</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>800</td><td>1802</td><td>800</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td>1814</td><td>110</td><td>2814</td><td>55</td><td>Summary Disclaimer</td><td></td></tr> <tr> <td colspan="2">Other fee (specify)</td> <td colspan="2"></td> <td></td> <td></td> </tr> <tr> <td colspan="2">*Reduced by Basic Filing Fee Pd</td> <td colspan="2"></td> <td><b>SUBTOTAL (3)</b></td> <td><b>\$ 130</b></td> </tr> </tbody> </table> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="width:50%; padding: 5px;">1. 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1253	630	2253	460	Extension for reply within 3rd month																																																																																																																																																																																																																																																																																																																																																			
1254	1450	2254	720	Extension for reply within 4th month																																																																																																																																																																																																																																																																																																																																																			
1255	1370	2255	680	Extension for reply within 5th month																																																																																																																																																																																																																																																																																																																																																			
1401	320	2401	160	Notice of Appeal																																																																																																																																																																																																																																																																																																																																																			
1402	320	2402	160	Filing a brief in support of an appeal																																																																																																																																																																																																																																																																																																																																																			
1504		1504		Publication fee for early, voluntary, or normal publication																																																																																																																																																																																																																																																																																																																																																			
1403	280	2403	140	Request for oral hearing																																																																																																																																																																																																																																																																																																																																																			
1505	300	1505	300	Publication fee for republication																																																																																																																																																																																																																																																																																																																																																			
1451	1510	1451	1510	Petition to institute a public use proceeding																																																																																																																																																																																																																																																																																																																																																			
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																																																																																																																																																																																			
1453	1300	2453	640	Petition to revive - unintentional																																																																																																																																																																																																																																																																																																																																																			
1501	1300	2501	640	Utility issue fee (for reissue)																																																																																																																																																																																																																																																																																																																																																			
1502	475	2502	230	Design issue fee																																																																																																																																																																																																																																																																																																																																																			
1503	830	2503	310	Plant issue fee																																																																																																																																																																																																																																																																																																																																																			
1460	130	1460	50	Petition to the Commissioner	130																																																																																																																																																																																																																																																																																																																																																		
1800	130	1800	130	Processing fee CFR 1.17(f)																																																																																																																																																																																																																																																																																																																																																			
1807	50	1807	50	Processing fee for provisional apps.																																																																																																																																																																																																																																																																																																																																																			
1808	180	1808	180	Submission of IDS																																																																																																																																																																																																																																																																																																																																																			
8021	40	8021	40	Recording each patent assignment per property (times # of properties)																																																																																																																																																																																																																																																																																																																																																			
1809	750	2809	370	Filing a submission after final rejection (37 CFR § 1.129(e))																																																																																																																																																																																																																																																																																																																																																			
1810	750	2810	370	For each additional invention to be examined (37 CFR § 1.129(h))																																																																																																																																																																																																																																																																																																																																																			
1801	750	2801	370	Request for Continued Examination (RCE)																																																																																																																																																																																																																																																																																																																																																			
1802	800	1802	800	Request for expedited examination of a design application																																																																																																																																																																																																																																																																																																																																																			
1814	110	2814	55	Summary Disclaimer																																																																																																																																																																																																																																																																																																																																																			
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Name (Print)	Jeffrey K. Jacobs	Registration No. (Attorney/Agent)	44,798																																																																																																																																																																																																																																																																																																																																																				
Signature	<i>Jeffrey K. Jacobs</i>	Telephone:	847/578-5562																																																																																																																																																																																																																																																																																																																																																				
		Date	June 1, 2004																																																																																																																																																																																																																																																																																																																																																				

PAGE 6/7 \* RCVD AT 6/1/2004 3:13:12 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-17 \* DNS:8729306 \* CSID:18475763750 \* DURATION (mm:ss):03:50

PAGE 7/7 \* RCVD AT 6/1/2004 3:13:12 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-17 \* DNIS:8729306 \* CSID:18475763750 \* DURATION (mm-ss):03-50

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Date: June 1, 2004

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From: Jeffrey K. Jacobs (Registration No. 44,798)

Subject: Serial No. 09/579,746 – Cox et al.

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**MESSAGE:**

Enclosed herewith, please find an AMENDMENT and RESPONSE for filing in the below-identified application.

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EXAMINER:	Le, Danh C.
GROUP ART UNIT:	2683
SERIAL NO.:	09/579,746
FILED:	05/26/2000
INVENTOR:	Cox et al.
DOCKET NO.:	CM03931H